

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GMS LIBERTY LLC,
Plaintiff,
v.
LINDA M. HIB, et al.,
Defendants.

Case No. CV 17-04792 ODW (SSx)

**ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.


On June 29, 2017, Defendant Daniel Hib, having been sued in a routine unlawful detainer action in California state court, filed a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, this action could not have been originally
2 filed in federal court because the complaint does not competently
3 allege facts supporting either diversity or federal-question
4 jurisdiction, and therefore removal is improper. 28 U.S.C.
5 § 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545
6 U.S. 546, 563 (2005). Defendant's Notice Of Removal appears to
7 assert that federal jurisdiction exists because Plaintiff "is not
8 organized or licensed to do business in California" and the sale
9 of land involved a "federally related mortgage." (Notice Of
10 Removal at 2). However, Plaintiff's allegations are inadequate to
11 confer federal jurisdiction. See Merrell Dow Pharmaceuticals, Inc.
12 v. Thompson, 478 U.S. 804, 808 (1986) ("A defense that raises a
13 federal question is inadequate to confer federal jurisdiction.").
14

15 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
16 to the Superior Court of California, County of San Joaquin, 222
17 East Weber Avenue, Room 303, Stockton, CA 95202, for lack of subject
18 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk
19 send a certified copy of this Order to the state court; and (3) the
20 Clerk serve copies of this Order on the parties.
21

22 IT IS SO ORDERED.
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25 DATED: July 7, 2017
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28 OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE